

FILED

AUG 27 2010

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTAllen F. Black

(Name of the plaintiff or plaintiffs)

CIVIL ACTION

NO 1:10-cv-05439

Judge John W. Darrah

Magistrate Judge Martin C. Ashman

v.
Midwest Generation, Midwest
Generation EME, LLC, Edison
International Company/Waukegan
(Name of the defendant or defendants)COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Allen F. Black of the county of LAKE in the state of ILLINOIS.
3. The defendant is Midwest Generation, Midwest Generation EME, LLC, whose street address is Edison International Company / Waukegan Station (Generating)
400 East Greenwood Ave
(city) WAUKEGAN (county) LAKE (state) ILLINOIS (ZIP) 60096
(Defendant's telephone number) (847) - 662-6201
- II The plaintiff sought employment or was employed by the defendant at (street address) 400 East Greenwood (city) WAUKEGAN
(county) LAKE (state) Ill (ZIP code) 60096
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.
6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) Oct, (day) 28, (year) 2005.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) Aug (day) 18 (year) 2006.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) Aug (day) 18 (year) 2006.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) JUNE (day) 1 (year) 2010 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☒ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I was hired by Respondent on or about February 2, 1981. My most recent position was Laborer. I have been disabled since in or around 1990 and Respondent has been aware of my disability. In or around March 2005, I filed a discrimination charge against Respondent with the Illinois Department of Human Rights. On or about October 28, 2005, I was demoted for violating company policy, while younger, non-disabled, non-White employees were not demoted for violating the same policy. On or about June 12, 2006, I was required to take medical leave because of my disability and Respondent has not allowed me to return to work.

I believe I have been discriminated against because of my race, White, and retaliated against because I filed a complaint of discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, and my age, 48(DOB: 8/4/1958), in violation of the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [*check only those that apply*]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____
- _____
- _____
- _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

Allen F. Black
Plaintiff's signature

Allen F. Black
Plaintiff's name

Plaintiff's street address 521 CAVIN AVE

W

City Waukegan Harbor State ILL ZIP 60096

Plaintiff's telephone number ^{HOME} 847-946-1902 & ^{CEU} 224-610-6697

Date: 8-27-10



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000
Chicago, IL 60661
(312) 353-2713
TTY (312) 353-2421
FAX (312) 353-4041

Allen F. Blair
c/o Ross J. Peters, Esq.
The Law Offices of Ross J. Peters, Ltd.
33 North County Street, Suite 402
Waukegan, IL 60085

Re: Respondent: Midwest Generation EME, LLC, an Edison International
Company/ Waukegan Generating Station
EEOC Charge No.: 440-2006-08928

Dear Mr. Blair:

Attached please find a Notice of Right to Sue issued on your behalf in the above referenced matter. The Commission's efforts to conciliate this matter with Respondent have been unsuccessful. The Commission has determined that it will not bring a lawsuit against the Respondent. By issuing the attached Notice of Right to Sue, the Commission is terminating its processing of your charge.

The attached Notice of Right to Sue entitles you to pursue private litigation concerning your allegations against Respondent(s) within 90 days of your receipt of this letter.

If you do file suit based on this Notice of Right to Sue, it is requested that you provide us with a copy of the complaints you file in court.

On Behalf of the Commission:

6/1/10
Date

A handwritten signature in cursive script, reading "John P. Rowe", is written over a horizontal line.
John P. Rowe
District Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)**

To: Allen F. Blair
521 Cavin
Winthrop Harbor, IL 60096

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8817 6771



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2006-08928

Gregory T. Mucha,
Investigator

(312) 353-7319

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

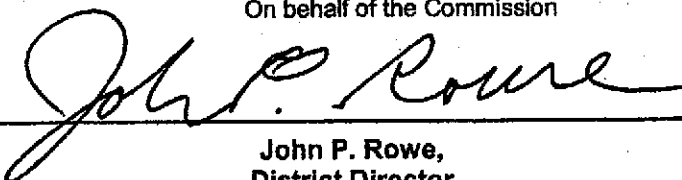
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director

6/1/10

(Date Mailed)

Enclosures(s)

cc: WAUKEGAN GENERATING STATION, MIDWEST
GENERATION EME, LLC, AN EDISON
INTERNATIONAL COMPANY

FL